

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MEL REYNOLDS	)	TRIAL BY JURY DEMAND
	)	
Plaintiff,	)	
	)	
	)	
v.	)	No.
	)	
ELZIE L. HIGGINBOTTOM, ROBERT	)	
MUGABE, CHRISTOPHER	)	
MUTSVANGWA, EAST LAKE	)	
MANAGEMENT & DEVELOPMENT, INC)	)	
ELH-HHH, LLC, BURLINGTON	)	
BUILDERS, INC, WILCAR, LLC,	)	
TURTLE CREEK MINING & TRADING	)	
COMPANY, INC, WALTER MZEMBI	)	
MARTIN MUNAGATIRE, HENRY	)	
MUNAGATIRE, HAPPYTON M	)	
BOYONGWE, MONICA MUTSVANGWA)	)	
ARTHUR MUTAMBARA, JOHN	)	
GIRZADES, GLORIA SCARDINO	)	
	)	
Defendants	)	

**COMPLAINT**

**JURISDICTION AND VENUE**

1. This is a claim for relief under the Torture Victim Protection Act of 1991 [TVPA],
2. Pub. L. 102-256, March 12, 1992. Federal question jurisdiction is posited upon 28 U.S.C. 1350, commonly known as the Alien Tort Statute [ATS]. The torture occurred in the Republic of Zimbabwe, in the City of Harare, on or about February 17, 2014 to February 24, 2014, in furtherance of conduct by Defendants, in concert, as a violation of the law of nations and/or conduct that constitutes aiding and abetting another's violation of the law of nations Mastafa v Chevron Corp, 770 F. 3d at 185, Adhikari v Kellogg Brown & Root, Inc., 845 F.3<sup>rd</sup>

184, 199 (5<sup>th</sup> Cir. 2017) (stating that aiding and abetting conduct comes within the focus of the ATS) and further held by the Court in Doe v Nestle, S.A. Oct 23, 2018 D.C. Opinion # 2:05 CV 05122 SVW-MRW. The Defendants, at all times relevant, were acting under actual or apparent authority, or under the color of law of the Republic of Zimbabwe or aided and abetted by Zimbabwe government authorities, where the official Language is English, and the governing political party is the Zimbabwe African National Union-Patriotic Front (ZANU-PF). In February of 2009, the Obama Administration authorized the use of United States currency in Zimbabwe which throughout the time of Defendant's in concert actions as alleged in Plaintiff's complaint-- the US dollar was the main currency in Zimbabwe utilized to fund the acts and atrocities alleged herein.

3. Plaintiff is a resident of this judicial district.

#### **ADMINISTRATIVE PROCEDURES**

4. Prior to filing this action under Section 2(b) of the Torture Victim Act, [TVPA], Plaintiff was barred from making all reasonable efforts to exhaust Plaintiff's remedies for filing a complaint for administrative review in Zimbabwe. Plaintiff was barred from filing for redress because Plaintiff was ordered deported from Zimbabwe on February 21, 2014 and deported on February 23, 2014. According to an Affidavit from [REDACTED] and Zimbabwe Statute, Plaintiff did not have standing to file for redress in Zimbabwe unless Plaintiff could appear "*in persona*". Therefore it was impossible for Plaintiff to file in Zimbabwe to obtain relief for the conduct giving rise to Plaintiff's claim. In fact as [REDACTED] [REDACTED] "*in persona*" on February 24, 2014, because Plaintiff was being deported, [REDACTED] was informed by prosecutors [REDACTED], at the direction of former Zimbabwe Ambassador Christopher Mutsvangwa and then Director General of the Zimbabwe Central

Intelligence Organization (CIO) Happyton M. Bonyongwe [REDACTED] charged with Espionage on February 24, 2014, which in Zimbabwe results in the charged individuals' immediate incarceration, without any notice or due process and most often the individual charged is taken into custody and disappears without any further trace. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. Additionally, despite the rule that Plaintiff had to file *in persona*, on or about March 13, 2019 plaintiff's current counsel, both by telephone and in writing by USPS certified mail return receipt and USPS regular mail, sent a Notice of Attorneys Lien and request to the Ambassador of Zimbabwe addressed to Zimbabwe Embassy in Washington, D.C. requesting protocols to file a claim for administrative review of the claims alleged by Plaintiff that occurred in Zimbabwe. The Zimbabwe Ambassador, in the United States, is the official representative of the Republic of Zimbabwe and ZANU-PF, charged with the task and duty of managing the bilateral relations established in 1990 between them. Neither the Ambassador nor any representative from his office made any response to Plaintiff's attorney inquiry on the procedures or protocols to adjudicate plaintiff's claim.

6. Pursuant to the Torture Victim Protection Act of 1991, 28 U.S.C. 1350, 2 (c) (2006), the claims as alleged herein have been filed within the ten year statute of limitations.

#### **THE PARTIES**

7. Plaintiff, Mel Reynolds, is a former United States Congressman for the 2<sup>nd</sup> Congressional District of Illinois (D-Ill), was subject to physical and psychological torture and as a direct result of this treatment Plaintiff sustained severe permanent physical and

psychological injury including being diagnosed with Post Dramatic Stress Disorder (PTSD). This treatment of Plaintiff falls within the meaning of Section 3(b) of the Torture Victim Protection Act of 1991 (TVPA). He was 62 years of age at the time.

8. Elzie L. Higginbottom, at all the times alleged, is a United States Citizen and resident of the County of Cook, State of Illinois, engaged in violations of the U.S. Treasury Departments prohibited sanctions transactions list in direct violation of the Zimbabwe Democracy and Economic Recovery Act of 2001 (ZDERA), facilitated illegal payments in cash, checks and other gratuities to various foreign government officials and other foreign individuals, engaged in transactions that were prohibited by Executive Order of the President of the United States and under federal statutes, with named individuals alleged herein by providing substantial payments of monies, financial support which was confirmed by affidavit of [REDACTED] and [REDACTED] and was instrumental, initiated, aided and abetted in the acts and the atrocities alleged in this Complaint against Plaintiff. These acts, inter alia, were in pursuit of illegal Zimbabwe “Blood Diamonds” from the infamous Zimbabwe Marange Diamond region that was confirmed by the Chicago office of United States Federal Bureau of Investigation [REDACTED] [REDACTED] and by the Internal Revenue Service Criminal Division in Chicago. It has been independently estimated that Thirty present (30%) of the World Diamonds are located in Zimbabwe. The word that Plaintiff associates most with Higginbottom after his experience with Higginbottom is “Greed”

9. Robert Mugabe, at all times alleged, was the ruling dictator and President of the Republic of Zimbabwe for approximately 37 years, received payments, in America and Zimbabwe in cash, checks and other gratuities from Elzie L. Higginbottom and his associates, who aided and abetted along with the other named Defendants, in the acts and atrocities alleged in this Complaint by providing Zimbabwe government forces with the authorization to utilize

any ways and means, facilities, personnel, transportation and compensation as well as allowing Zimbabwe authoritarian forces to use their facilities and property as a staging ground for the atrocities, assaults and torture of Plaintiff under color of law of Zimbabwe.

10. Christopher Mutsvangwa, at all times alleged, was an organizing member of the Zimbabwe Central Intelligence Organization (CIO), Former Chairman of the Minerals Marketing Corporation of Zimbabwe (MMCZ), former Zimbabwe Ambassador to China, former Member of Parliament who received payments in America and Zimbabwe of monies in the form of cash, checks and other gratuities from Elzie L. Higginbottom, who was instrumental, facilitated and distributed funds to himself, Robert Mugabe, Happyton M. Boyongwe and others (Christopher Mutsvangwa is also know to have provided intelligence information to the CIO while simultaneously providing intelligence regarding Zimbabwe to foreign intelligence agency). Christopher Mutsvangwa further, in concert and with the prior approval, financial support of Elzie L. Higginbottom as confirmed by an affidavit of [REDACTED] [REDACTED] who as a member of the government of Zimbabwe, was also instrumental, along with the other named Defendants in the acts of torture alleged in Plaintiff's complaint while acting under the color of law of Zimbabwe. Additionally, Christopher Mutsvangwa publicly admitted to the Zimbabwe Daily News to reporting and directing the CIO to arrest Plaintiff stating: "(Plaintiff) is a crook..... I am the one who reported him to the Central Intelligence Organization and he was deported,.....", said Mutsvangwa" as reported in the Zimbabwe Daily News, 28 September 2017. These false allegations are dramatically contradicted by the glowing praise bestowed by Christopher Mutsvangwa personally documented in a two page letter written to Elzie L. Higginbottom complementing Plaintiff's business and humanitarian efforts in Zimbabwe. Christopher Mutsvangwa and Elzie L. Higginbottom, concocted and manufactured the scheme and were instrumental by initially reporting false allegations of alleged criminal

conduct by the Plaintiff to the CIO directly to obfuscate Elzie L. Higginbottom participation in US sanctioned diamond mining and discredit Plaintiff. The false allegations fostered Plaintiff's false arrest, subsequent torture while in custody of Zimbabwe government forces and further aided and abetted in the acts and atrocities alleged in Plaintiff's Complaint.

11. Happyton M. Bonyongwe, at all times alleged, was the head of the Central Intelligence Organization (CIO) of Zimbabwe, received payments from Christopher Mutsvangwa, provided by Elzie L. Higginbottom in Zimbabwe and also in America in the form of cash, checks and other gratuities and was instrumental, in the planning, placing listening devices in Plaintiff's hotel room at the Bronte Hotel (and also Meikles Hotel, Harare, Zimbabwe as confirmed by affidavit of [REDACTED] and initiated the execution of the unlawful arrest, subsequent torture of the Plaintiff as confirmed by an affidavit of [REDACTED] along with the other named Defendants, aided and abetted in the false arrest and subsequent acts and atrocities of torture as alleged in Plaintiff's Complaint while acting under the color of law of Zimbabwe.

12. Martin Munangatire, at all times alleged, a resident of Illinois and a citizen of Zimbabwe and the United States, received payments in American and Zimbabwe of cash and checks from Elzie L. Higginbottom and others, were instrumental, along with the other named Defendants, aided and abetted in the false arrest and subsequent acts and atrocities of torture as alleged in Plaintiff's Complaint while acting under the color of law of Zimbabwe.

13. Henry Munangatire, at all times alleged, a citizen of Zimbabwe, received payments in Zimbabwe and America in cash from Elzie L. Higginbottom and others, was the personal assistant/bodyguard of Plaintiff while in Zimbabwe, surreptitiously reporting to Elzie L. Higginbottom the movements and interactions of Plaintiff while in Zimbabwe, was instrumental,

in the planning, placing listening devices in Plaintiff's hotel room at the Bronte Hotel (and also Meikles Hotel, Harare, Zimbabwe as confirmed by affidavit of [REDACTED] along with the other named Defendants, aided and abetted in the false arrest and subsequent acts and atrocities of torture as alleged in Plaintiff's Complaint while acting under the color of law of Zimbabwe.

14. Arthur Mutambara, at all times alleged, was Deputy Prime Minister of Zimbabwe, a citizen of Zimbabwe, received payments in Zimbabwe and America of cash and checks from Elzie L. Higginbottom and others, was instrumental, along with the other named Defendants, aided and abetted in the false arrest and subsequent acts and atrocities of torture as alleged in Plaintiff's Complaint while acting under the color of law of Zimbabwe.

15. Walter Mzembi, at all times alleged, was Minister of Tourism of Zimbabwe, received payments in Zimbabwe and America of cash, checks and other gratuities from Elzie L. Higginbottom and others, was instrumental, along with the other named Defendants, aided and abetted in the false arrest and subsequent acts and atrocities of torture as alleged in Plaintiff's Complaint while acting under the color of law of Zimbabwe.

16. John Girzades, at all times alleged, was a U.S. Citizen, resident of Illinois, received payments in America and Zimbabwe of monies in cash, checks and other gratuities from Elzie L. Higginbottom and distributed said funds to himself, Christopher Mutsvangwa and others, and was instrumental, along with the other named Defendants, and therefore aided and abetted in the acts and atrocities alleged in Plaintiff's Complaint.

17. Gloria Scardino, at all times alleged, was a U.S. Citizen, resident of Illinois caused to be issued payments of monies from Elzie L. Higginbottom and caused to be distributed as Treasurer of Eastlake Management and other Higginbottom companies said funds to Christopher Mutsvangwa and others, and was instrumental, along with the other named

Defendants, and therefore aided and abetted in the acts and atrocities in Plaintiff's Complaint.

18. Monica Mutsvangwa, at all times alleged, a former member of the Zimbabwe Senate, former Deputy Minister and wife of Christopher Mutsvangwa, received payments in America and Zimbabwe of monies in cash, checks and other gratuities from, Elzie L. Higginbottom, and was instrumental, along with the other named Defendants, and therefore aided and abetted in the false arrest and subsequent acts and atrocities of torture as alleged in Plaintiff's Complaint while acting under the color of law of Zimbabwe. At one point during the times alleged in Plaintiff's Complaint, former Senator Monica Mutsvangwa was the elected official in charge of the territory that included the Marange Diamond region. Currently Minister Monica Mutsvangwa is Minister of Information for Zimbabwe.

19. East Lake Management & Development, Inc, an Illinois Corporation, provided seed money in the form of cash and checks by and through the direction of Elzie L. Higginbottom by cloaking illegal payments and distributing said funds to Robert Mugabe, Christopher Mutsvangwa, Happyton M. Bonyongwe, Henry Munangatire and others, and was instrumental, along with the other named Defendants, aided and abetted in the acts and atrocities in Plaintiff's Complaint.

20. ELH-HHH, LLC, an Illinois Limited Liability Corporation, provided seed money in the form of cash and checks by and through the direction of Elzie L. Higginbottom by cloaking illegal payments and distributing said funds to Robert Mugabe, Christopher Mutsvangwa and others, and was instrumental, along with the other named Defendants, aided and abetted in the acts and atrocities in Plaintiff's Complaint.

21. Wilcar, LLC, an Illinois Limited Liability Corporation, provided seed money in the form of cash and checks by and through the direction of Elzie L. Higginbottom by cloaking illegal payments and distributing said funds to Robert Mugabe, Christopher Mutsvangwa and others, and was instrumental, along with the other named Defendants, aided and abetted in the



acts and atrocities in Plaintiff's Complaint.

22. Turtle Creek Mining & Trading Company, Inc, an Indiana Corporation, provided seed money in the form of cash and checks by and through the direction of Elzie L. Higginbottom by cloaking illegal payments and distributing said funds to Robert Mugabe, Christopher Mutsvangwa and others, and was instrumental, along with the other named Defendants, aided and abetted in the acts and atrocities in Plaintiff's Complaint

23. Farai Jere, at all times alleged, was a business man and a citizen of Zimbabwe, received payments in Zimbabwe and America of cash and checks from Elzie L. Higginbottom and others, was instrumental, along with the other named Defendants, aided and abetted in the acts and atrocities in Plaintiff's Complaint

#### **STATEMENT OF CLAIM**

24. Plaintiff, Mel Reynolds, was elected to the U.S. House of Representative in 1992 and served as a Congressman representing the 2nd Congressional District of Illinois from 1992 until he took official retirement in September 1995. Part of Plaintiff's life's work has been in Africa where most of the events in Plaintiffs complaint occurred. While a student research assistant at the University of Oxford, where Plaintiff studied Jurisprudence as a Rhodes scholar, Plaintiff served as a volunteer student assistant to then United States Ambassador to England, The Honorable Kingman Brewster during the negotiations between representatives of ZANU-PF/ZAPU and Rhodesian representatives in peace talks to end the war between the parties regarding African independence in what would become Zimbabwe. It was during these peace talks and negotiations that Plaintiff first became acquainted with the former President of Zimbabwe, Robert G. Mugabe.

25. In 1985, Plaintiff started American Scholars Against World Hunger (ASAWH). With this organization Plaintiff brought American college students to volunteer in refugee camps in the Sudan. Selected Students worked in refugee camps during the summer months of 1985, '86

and '87. The main refugee camp that the students worked in was Wad Sherife, in Kassala State in eastern Sudan. Plaintiff worked alongside students in 1985 and 1987. The refugees in the camp were primarily from a part of Ethiopia that is now the State of Eritrea.

26. In 1992 and 1995 as Congressman-elect and later as a Member of Congress Plaintiff was dispatched as a Special Envoy to Africa by former Speaker of the U.S House of Representatives Tom Foley (to Somalia) and by former President William J. Clinton (to Rwanda/Burundi, Zaire). During the 1995 trip as Special Envoy to Africa, Plaintiff was charged by President Clinton to survey the then ethnic war, between the Hutus and Tutsis, and the humanitarian crisis that this conflict created and to provide a report to the President. While in Africa and as the representative of the President of the United States, Plaintiff met with officials of Somalia, Rwanda, Burundi and Zaire (now the Democratic Republic of Congo)

27. In Chicago, Illinois in approximately September 2009, Plaintiff was approached by Henry and Martin Munangatire, who expressed an interest in having Plaintiff, as a former Congressman; assist them in establishing business contacts between Zimbabwe and the African American business community in Chicago. Plaintiff, based on this request, contacted Higginbottom and other business people in Chicago. Plaintiff had previously consulted with Higginbottom in the past in setting up a very successful Job Fair for the Southside Community of Chicago in 2005. Plaintiff knew from previous conversations that Higginbottom was interested in building business relationships with the African American business community of Chicago and African Business people.

28. In April of 2010 Plaintiff entered into a consulting and partnership agreement with Higginbottom which resulted in the formation of Sub-Sahara, LLC as the entity memorializing the consulting and partnership agreement between Plaintiff and Higginbottom. The agreement provided that Plaintiff would not be an employee of any of the companies owned by Higginbottom. The compensation arrangement would be based on future profits of the

partnership. The profit/ownership arrangement was Sixty percent (60%) for Higginbottom and Forty percent (40%) for Plaintiff. This compensation arrangement was based on Higginbottom providing all of the business expenses as advances to Plaintiff for expenses and Plaintiff performing the consulting duties that Plaintiff agreed to undertake. All investment funds in the form of business the expense advances to Plaintiff by Higginbottom were to be reimbursed to Higginbottom prior to any disbursement of profits or compensation to Plaintiff.

29. As a direct result of the consulting and partnership agreement from approximately April 2010 until approximately August 2012 Plaintiff, who had previously consulted in Africa for others, traveled to Zimbabwe exclusively for Higginbottom approximately 16 times (accumulating 400,000 travel miles between Chicago and Africa). This was done to promote various business ventures, including but not limited to providing Disposable Medical Examination Gloves for the medical health care system of Zimbabwe. Plaintiff in fact secured initial orders in excess of 5,000,000 boxes to be provided for the health care system of Zimbabwe, with additional orders of 10,000,000 million boxes to be distributed for other parts of South Africa.

30. During the course of this business arrangement Plaintiff introduced Higginbottom to Robert Mugabe, then President of Zimbabwe; Christopher Mutsvangwa; Happyton M. Bonyongwe, head of the Central Intelligence Organization of Zimbabwe; Simbarahe Mumengegwe, former Foreign Minister of Zimbabwe; the Honorable Charles Ray, U. S. Ambassador to Zimbabwe; and other prominent public officials in Zimbabwe and the United States, not only in Chicago but also in New York and Washington, DC, that plaintiff had become associated with both as a Congressman and as a private citizen.

31. In about July of 2010, Higginbottom made his first trip to Zimbabwe and Africa. It was during this trip that Plaintiff introduced Higginbottom to Mutsvangwa. (Although Higginbottom was meeting Mutsvangwa in person for the first time they had spoken several

times by phone.) While in Zimbabwe, Higginbottom was also introduced to several other prominent government and business individuals in Zimbabwe and also attended several key business meetings that were set up by Plaintiff. Facilitating these meeting was exactly what the agreement/partnership that Plaintiff and Higginbottom had signed called for, however Plaintiff was not aware of, until after Higginbottom had returned to America, that in private meetings at the Meikles Hotel, that served as the base of operations in Zimbabwe, that Higginbottom paid several thousand dollars as “introduction” money to show how serious Higginbottom was in his efforts to do business in Zimbabwe. (As mentioned, beginning in February 2009, Zimbabwe was allowed by the Obama Administration to use the US Dollar as its main currency. Therefore US Dollars were readily available through Zimbabwean Banks to Higginbottom at all times while in Zimbabwe.)

32. During that same trip, July 2010, Higginbottom, with the help of Mutsvangwa, who would soon become the Chairman of the Mineral Marketing Corporation of Zimbabwe (MMCZ), which controls mineral transactions in Zimbabwe, which is also a prohibited Sanctioned government corporation that U S Citizens are not allowed to do business with, entered into secret negotiations with Mugabe and several other Zimbabwean officials and prominent citizens to procure a diamond mining concession in Zimbabwe. Mugabe was the only individual who had the authority to grant a diamond mining concession in Zimbabwe at this time. Mutsvangwa’s political, military and CIO associations and the Higginbottom financial payments would assure fulfillment of a diamond mine concession for Higginbottom. During this trip as well, Higginbottom, Mutsvangwa and Plaintiff also had a private meeting in the office of then Minister of Defense and now President of Zimbabwe, Emerson D. Mnangagwa. Mutsvangwa as he left the meeting remarked that “Higginbottom had just met the future President of Zimbabwe and that activities were being put in place to facilitate Mnangagwa's

future rise to the office of President of Zimbabwe. In fact 6 years later Mnangagwa would be President of Zimbabwe replacing Mugabe by Military Coup.

33. In August of 2011, Higginbottom and his traveling party returned to Africa for a Safari. During part of this trip Plaintiff met with Higginbottom in Victoria Falls, Zimbabwe and introduced Higginbottom to prominent business people and government officials in that area, including the Governor of the Province that included Victoria Falls. There were several outings to review property in the Victory Falls area as well as meetings to discuss a diamond claim in the area between Higginbottom and Zimbabwean officials.

34. In September of 2011, Higginbottom arranged a business meeting with Mutsvangwa's and also sought Plaintiff's assistance to include in the meeting seven (7) Chicago business people and Revered Jesse L. Jackson, with President Mugabe in New York City. With one exception, Rev. Jackson, all of the parties from Chicago, including Plaintiff, flew to New York from Chicago on one of Higginbottom's private jets. At that meeting along with President Mugabe, who was in New York for the United Nation's Heads of State annual meeting, was Mr. Happyton M. Bonyongwe, a retired Major General, who was then Director General of the Central Intelligence Organization (CIO) of Zimbabwe and Mr. Simbarashe Mumbengegwi, then Minister of Foreign Affairs for Zimbabwe. During this meeting the only person that spoke from the Zimbabwe side was President Mugabe.

35. The meeting took place in Mr. Mugabe's private hotel suite in mid-town Manhattan, NYC. The meeting started at around 5:00pm and lasted until approximately 6:30pm. Towards the end of the meeting Rev. Jackson asked if the staff and security standing in the back of the very large suite could be excused. Once this was done the only people remaining in the room were Plaintiff, Higginbottom, Rev Jackson, Mr. Bonyongwe, Mr. Mumbengegwi and President Mugabe. At this point Higginbottom reached into his suit jacket pocket, took out an envelope and handed it to President Mugabe, who proceeded to place it in his left inside suit coat

pocket. Higginbottom then said directly in front of those remaining in the room, "that's some figures for you sir". Mugabe laughed while smiling and said thank you. Moments later, before and after the staff and security returned to the suite, there were pictures taken of this meeting. These pictures are in Plaintiff's possession. One of the other parties, other than Plaintiff, in the suite at the time has agreed to verify that this transaction took place in their presence. Higginbottom has denied under oath in federal court that he gave Mugabe this money. However, Higginbottom's bank records, because Higginbottom gave a check to Mugabe, will substantiate that he committed perjury in his federal court testimony when he said that he had never bribed Mugabe or given any money to Mugabe for eventually getting access to Zimbabwe diamonds. (According to American sanctions law giving money to Mugabe for any reason is a federal crime.) [REDACTED] obtained hard evidence of this transaction from a financial institution in Zimbabwe.

36. In Chicago the next day, after the trip to New York, Plaintiff and Higginbottom met in Higginbottom's private conference room at the headquarters of Eastlake Management and Development Corporation, which is located at 2850 S. Michigan Avenue in Chicago. During this meeting, Higginbottom and Plaintiff got into a heated exchange regarding the money given to Mr. Mugabe. Plaintiff had previously informed Higginbottom, on more than one occasion, that providing money to Mr. Mugabe and others particularly those on the Zimbabwe American sanctions list, was a violation of federal law. Higginbottom said to Plaintiff in a very angry manner, "This is my money and I can do what the fuck I want to do with it!" That remark ended the meeting. And was to Plaintiff the beginning of the end of the business and personal relationship between Plaintiff and Higginbottom.

37. In June of 2012, Higginbottom and Plaintiff met with two Zimbabwe high ranking officials in Washington, DC. Mr. Obert Mpofu, the then Minister of Mines and Mining Development and Mr. Johannes Tomana, the then Attorney General of Zimbabwe, both of whom

are on the Zimbabwe Sanctions list and therefore barred from traveling to America. Higginbottom, through his contacts in Congress and in the Obama administration, was able to have their no American entry restrictions lifted for them to attend The Kimberley Diamond Process conference that was being held the U.S. State Department. (At this time there was a review being conducted as to whether Zimbabwe Diamonds would remain on the Sanction's list) Accompanying Minister Mpofu were executives of MMCZ. (MMCZ as aforementioned is on the Zimbabwe Sanction's list). Plaintiff was told by Higginbottom to meet with the MMCZ, while Higginbottom escorted Mr. Mpofu and Mr Tomana to the Capital building to meet with Members of Congress in a meeting arranged by Congressman Bobby Rush (D Ill). Plaintiff refused to meet with the executives from the MMCZ because this was a Sanctioned organization.

38. One hour after Higginbottom departed from the Hotel with Mr. Mpofu and Mr. Tomana, Plaintiff received a frantic call from Higginbottom ordering Plaintiff over to the capital and said the meeting that had been setup by Congressman Rush had "fallen apart". Shortly thereafter, Plaintiff arrived at the House Rayburn Office Building. On his way in Plaintiff met up with then Congressman Jesse Jackson Jr. and they both proceeded to Congressman Rush's office in Rayburn H.O.B.

39. Shortly after arriving at Congressman Rush's office, who was no longer in his office, Congressman Jackson suggested that everyone meet at Union Station to have lunch with his father, Rev. Jackson. During this meeting Higginbottom and Rev. Jackson spoke extensively with Minister Mpofu about getting access to a Diamond claim for Higginbottom. Minister Mpofu, appeared to be in favor Higginbottom getting such a diamond claim but would make no firm commitment, but Minister Mpofu did agree to discuss this possibility with President Mugabe. At one point during the conversation, standing off from the others at lunch, Minister Mpofu asked if Higginbottom could provide some "income" to Minister Mpofu's son who was then living in America. This money was in fact provided to the Minister's son and there is a wire and paper

trail as there is with most of Higginbottom transactions during this time.

40. Upon returning to Chicago after the Diamond meeting with Minister Mpofu in Washington DC, Plaintiff and Higginbottom again met in Higginbottom's conference room, however this time Eileen Rhodes, who at the time was Higginbottom's Chief of Staff and now the CEO of Eastlake Management; at this meeting Higginbottom accused Plaintiff, in the presence of Ms. Rhodes, of “totally sabotaging” the “Diamond” trip. This was primarily done, according Higginbottom, when Plaintiff refused to meet with executives from Zimbabwe's MMCZ. Plaintiff's refusal, according Higginbottom, was the reason for no final commitment from Minister Mpofu for an effort on his part to secure a diamond claim. Higginbottom stated that when Plaintiff, a former Congressman, refused to meet with the MMCZ executives after they had traveled all the way from Zimbabwe, it was a clear indication that no deal should be done for Higginbottom.

41. What Higginbottom refused to respect or understand was that Plaintiff had decided that Plaintiff would not be party to illegal activities. Plaintiff was then told by Higginbottom, at this meeting, in Ms. Rhodes presence that Higginbottom was going to curtail Plaintiff's and Higginbottom's activities relating to doing business in Zimbabwe. And they would meet in a few weeks to further discuss continuing their formal partnership. This was in July of 2012. However, as Plaintiff would learn later, Higginbottom did not curtail his efforts to pursue a diamond deal in Zimbabwe, it was only an attempt to keep any further efforts secret from Plaintiff. This did not surprise Plaintiff, because it had become clear at this point that getting Diamonds had become an obsession to Higginbottom. In fact Higginbottom would later demonstrate that he was willing to lie about his interest in Zimbabwe diamonds, “We are no longer pursuing any diamond interests,” [Higginbottom] said. “The Zimbabwe state diamond entities engaged in the diamond trade are sanctioned and thus we have eliminated this area from our potential ventures. We are and will remain in full compliance with US policy and laws”.



*“Obama fundraiser digs for Zimbabwe business deals” The Mail&Guardian: South Africa, 28 Jun 2013.* Higginbottom said this only weeks after he had completed a secret deal in early May 2013 that the US government would become aware of, directly from President Mugabe for diamonds.

42. Plaintiff returned to Zimbabwe in June 2013 to continue cultivating a business venture that Plaintiff had began with Hilton Hotels whereby Hilton would construct a \$147,000,000 hotel and convention complex in Zimbabwe. Plaintiff's main partner in this venture was Mr. Farai Jere, of the Stream Walk Corporation. This project did not involve Higginbottom. It was during this time that Plaintiff learned that in early May 2013 while Plaintiff was in America, Higginbottom had again requested and received an illegal diamond deal in the notorious Marange “Blood Diamond” fields by way of a partnership on direct orders from President Mugabe. After learning this from an official close to President Mugabe, Plaintiff immediately contacted Higginbottom and expressed to Higginbottom that what he had done was against the law and informed Higginbottom that Plaintiff would go to authorities upon his return to America with documented information if the agreement was not terminated. Plaintiff was extremely concerned that since Plaintiff had initiated all the contact between Higginbottom and virtually every official in Zimbabwe that Plaintiff could be implicated in this illegal activity. Plaintiff at his age was not prepared for the possibility of spending rest of his life in federal prison.

43. During this very lengthy telephone discussion, after Plaintiff was placed on hold for some time, Higginbottom told Plaintiff that he was sending Mutsvangwa to talk with him and pressed Plaintiff to really consider the “deal” that Mutsvangwa was going to explain to Plaintiff. Shortly thereafter Mutsvangwa arrived at Plaintiff's suite and reiterated that he was speaking on Higginbottom's behalf. Mutsvangwa then offered Plaintiff \$500,000.00 cash and said Higginbottom would purchase a home for Plaintiff in Zimbabwe or South Africa. Mutsvangwa

informed Plaintiff that the money would be delivered the following morning if Plaintiff agreed to accept the offer to remain silent about the Marange diamond deal with President Mugabe. Plaintiff turned down the offer. Mutsvangwa said that he would communicate Plaintiff's response to Higginbottom immediately.

44. In November 2013, Mutsvangwa, who had remained in constant contact with Plaintiff, who was still in Zimbabwe working on Plaintiff's Hotel project, again approached Plaintiff on behalf of Higginbottom and once again offered Plaintiff money and property to remain silent about the diamonds for a larger amount. This time the amount was raised to one million dollars (\$1,000,000) to be transferred to Plaintiff's Zimbabwe business account over a two week period. Additionally, Higginbottom would provide funds to purchase property in Africa. Plaintiff was also now offered to have a home purchased for him and Plaintiff's three children at a maximum price of six hundred thousand dollars. (\$600,000.00) in Chicago. Plaintiff again refused to participate in or to remain silent about the illegal diamond deal. At the end of this meeting, that took place in the Meikles Hotel, in Harare, Zimbabwe, Mutsvangwa said that Higginbottom had a message for Plaintiff. Mutsvangwa then told Plaintiff that Higginbottom had informed him that Higginbottom, beyond any activity in Zimbabwe, was also involved in a major public financial transaction involving his bank, Cole Taylor, and if one negative word got out about Higginbottom during this time it could cost Higginbottom tens of millions of dollars. Mutsvangwa then looked Plaintiff directly in the eyes and said that Higginbottom was not playing games and if Plaintiff did not agree Higginbottom would use his Government and law enforcement contacts in America to have Plaintiff charged with federal crimes and have Plaintiff "locked up" upon Plaintiff's arrival back into the United States.

45. It became clear to Plaintiff that Higginbottom believed that if a person has been convicted of a crime, as Plaintiff had, then anything goes with Plaintiff. However, part of the main reason that Plaintiff refused to remain silent was because Plaintiff knew that in order to get

Marange "Blood Diamonds" that Higginbottom had continued, despite Plaintiff's earlier warnings on several occasions, his illegal conduct of bribing Mugabe, Mutsvangwa and other major officials in Zimbabwe, with payments of cash, checks and other considerations. Plaintiff knew that Higginbottom knew that these acts were serious violations of federal law. Plaintiff had witnessed, as did others, illegal payments to then President Robert Mugabe, former Ambassador Chris Mutsvangwa, then Deputy Minister and Current Minister of Information Monica Mutsvangwa, then Minister of Tourism Walter Mzembi, then Deputy Prime Minister Arthur Mutambara and others named parties in Plaintiff's complaint in the form cash and other enumeration, delivered in America and Zimbabwe. Sometimes these transactions were done personally by Higginbottom or his associates, including John Girzades then a Vice President of one of Higginbottom companies, who had also made several trips to Zimbabwe, with checks written out by Higginbottom and the Eastlake Management Treasurer, Gloria Scardino. Plaintiff felt that his first hand knowledge of this could make him an accessory to very serious federal crimes. (In November 2017, as mentioned, then President Robert Mugabe was deposed by military coup. Since that time President Mugabe, some say in return for his safety because the new regime did not want to be blamed for it, publicity admitted that at least Fifteen Billion dollars (\$15,000,000,000.00) in diamonds and proceeds are unaccounted for. The Zimbabwe government believes that this is because of President Mugabe's private dealings.

46. Plaintiff would later learn that sometime after May 2013, the US Attorney's office in Chicago which was involved in another case regarding Zimbabwe and violations of American sanctions laws, (*United States v. Turner*, 13 Cr 572-2) by providing illegal payments and bribery by Higginbottom that was independent of Plaintiff. The US Attorney's office also learned of a meeting in Zimbabwe in late April and early May 2013 which included, President Mugabe, Rev. Jesse Jackson, Higginbottom and other Zimbabwe officials. The US Attorney's office further learned that shortly after Higginbottom returned to America from that trip to Zimbabwe that

Higginbottom received a call from a high ranking Zimbabwe official confirming the details of the diamond deal. (Plaintiff believes based on this information that the call to Higginbottom came from Mutsvangwa) Again, this was a blatant and knowing violation of the Zimbabwe Democracy and Economic Recovery Act (ZDERA S. 494). The law is commonly known as the Zimbabwe Sanctions law and was signed into law by President George W. Bush in December 2001. Although this was a clear violation of federal law the US Attorney's office, at their discretion, decided not to pursue Higginbottom's crimes.

47. Plaintiff believes that Higginbottom was not charged with any criminal violations done because Higginbottom is politically associated with well connected individuals at the highest levels of American government. And that going after Higginbottom would have been a much more difficult task than charging Plaintiff with a misdemeanor tax violation (that included no restitution) that prosecutors were certain to win because Plaintiff was insolvent and prosecutors knew this. Therefore Plaintiff would not be able to pay for a proper defense. Plaintiff believes this because what other reasoning explains going after a misdemeanor tax prosecution, with no allocation of tax loss, instead of known federal felony criminal violations.

48. Higginbottom has a history of flaunting powerful political connections and these connections have made him an extremely wealthy man. Higginbottom very publicly had former Secretary of State Hillary Clinton and then Vice President Joe Biden to his private residence for political fundraisers. Higginbottom has been for decades a major contributor to the Democratic party as well as a major direct contributor to former President Barack Obama's campaigns in the amount of approximately Five hundred dollars (\$500,000.00). Higginbottom often brags in the presence of others that he has several Members of Congress in his pocket including every "Member of the Congressional Black Caucus". Higginbottom's power and influence, again, has been enduring. Even after Higginbottom's main company Eastlake Management and Development Inc. was the co-manager of a Cook County office building that had a horrific fire in

2003, where six county employees died, Higginbottom still went on to be paid tens of millions of tax payer dollars in local and federal funds from government contracts for managing Government buildings.

49. On or about February 17, 2014, Plaintiff was in his suite at the Bronte Hotel, Harare, Zimbabwe, [REDACTED] when senior immigration authorities, members of Zimbabwe's CIO and Zimbabwe Police barged in shouting "don't move or you're dead" and placed Plaintiff under arrest. Standing just a few feet away from Plaintiff, two CIO agents pointed AK 47 assault weapon at Plaintiff. [REDACTED] [REDACTED] was then ordered by CIO agents, who were clearly in charge of this action, [REDACTED] [REDACTED]. At this time Plaintiff was taken into custody, and charged with immigration visa violations. According to an Affidavit [REDACTED], the other Zimbabwe officials who were present, did not have any warrant to either arrest Plaintiff or to search his person, room or personal belongings. As Plaintiff was handcuffed and taken from his room, there was a contingent of local and international news media waiting outside memorializing the arrest. Plaintiff believes this was a pre-staged, preplanned event set up by Mutsvangwa. Ironically, this was subsequently confirmed publicly by Mutsvangwa in an article that appeared in local and international media.

50. Upon arrival to jail, February 17, 2014, in extremely tight handcuffs that were cutting into Plaintiff's wrist, Plaintiff was placed in a holding cell with no working toilet or running water. The handcuffs were not taken off for several hours. The beating and intimidation

started immediately. Plaintiff, who was not allowed to fall asleep at night, was awoken every time Plaintiff attempted to fall asleep and suffered severe sleep deprivation. Plaintiff received a very deep cut to his left foot that nearly severed his big toe, after being pushed, punched and kicked into a filthy rusty metal latrine. As Plaintiff lay on the concrete floor bleeding profusely and being verbally abused by other inmates and prison guards with chants of “dirty American ”. (Part of the hate for Americans steams from the American sanctions, and the fact that Plaintiff was a former American Congressman which the prison guards made sure that all the other inmates were aware of; this only magnified the rage against Plaintiff by the prison guards and other prisoners). Plaintiff was also beaten in the upper chest several times while handcuffed, which caused Plaintiff's right collarbone to be severely dislocated. Plaintiff collarbone still protrudes from Plaintiff's chest and this causes pain and has inhibited Plaintiff's ability to fully raise his right arm above his right shoulder without intense pain. Additionally, on several occasions Plaintiff was beaten on the bottom of his bare feet with a thick leather strap while being held down by several inmates and prison guards. Despite Plaintiff's treatment and injuries, Plaintiff was denied all medical treatment while in custody, and as a result contracted a life threatening infection from the open deep cut on Plaintiff's foot. (Plaintiff was told by doctors that Plaintiff should for at least two years be tested for HIV/AIDS, because of the open deep cut that Plaintiff received in the filthy latrine. There is a tremendously high incidence of AIDS in Zimbabwe and Doctors feared that because of how and where the deep cut occurred that Plaintiff may have been exposed to HIV/AIDS. Fortunately all of Plaintiff's test thus far have been negative, but Plaintiff will be tested for the rest of his life.)

51. Over several days Plaintiff was humiliated worldwide by being paraded back from the prison to the Court with other prisoners. These actions were all staged for public viewing while Plaintiff was in filthy prison garments and touted to the public as the former US Congressman which was further used as publicity by the Zimbabwe government. On more than one occasion Plaintiff upon getting back to the prison was placed in solitary confinement, stripped searched and left naked for several hours on the bare concrete floor while in handcuffs and made to lie in Plaintiff's own human waste. On another occasion Plaintiff collapsed while being taken out of court. Plaintiff was subjected to this treatment of physical beatings and psychological torture for 6 full days. Having Plaintiff treated in this manner was all part of the plan concocted by Higginbottom and Mutsvangwa with the assistance of others in Zimbabwe as their scheme not only to totally discredit Plaintiff, but their illicit conspiracy to have Plaintiff eventually charged for espionage and thereafter imprisoned in Zimbabwe for life. While in the custody of Zimbabwe authorities, Plaintiff truly believed that he was going to die. Plaintiff, who still has flashbacks, has found this entire experience to be extremely difficult and painful to talk about. For Plaintiff it is like being tortured all over again.

52. Additionally, the day after Plaintiff was arrested, Plaintiff was charged as having violated the "Possession of Prohibited Articles as Defined in Section 26 (1) (b) of the Censorship and Entertainment Act" of Zimbabwe. This charge was filed without any evidence that Plaintiff had any prohibited articles in his possession. The possession of prohibited articles was dropped by the Court based upon Zimbabwe's law requiring that prior to this charge being filed, by statute, the Zimbabwe Attorney General must see the evidence to lodge any such charges and in this instance there was no such evidence of Prohibited material in possession of Plaintiff nor on his

phones. This was also part of the Higginbottom and Mutsvangwa's scheme to portray Plaintiff as an international criminal. Higginbottom and Mutsvangwa knew the American press would sensationalize these charges and they were correct.

53. On Friday, February 21, 2014, by Order of the Court, Plaintiff was ordered deported from Zimbabwe and to pay a \$100 fine for violating immigration laws by over staying Plaintiff's visa. Although the fine could be immediately paid by Plaintiff's representatives, Zimbabwe prosecutors informed the court that the only flight that could be booked for Plaintiff for security reasons was to depart Zimbabwe on Monday, February, 24, 2014; therefore prosecutors asked and were granted permission to hold Plaintiff in custody until Monday, February 24, 2014. Plaintiff would later learn that Zimbabwe authorities were preparing to file espionage charges against Plaintiff. All foreign "spies" if found guilty on a charge of espionage, which in Zimbabwe has been virtually automatic, are sentenced to life in prison without parole, after what would have been a "political show trial". However, on Sunday February 23, 2014, the day before Plaintiff was to be formally charged with espionage [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] obtain the release of Plaintiff and provided Plaintiff with safe passage from Zimbabwe to South Africa. An American Embassy staff official was also present as Plaintiff was taken out the prison to the airport and boarded a plane to South Africa.

54. Upon arrival in Johannesburg, South Africa on Sunday evening February 23, 2014, Plaintiff was placed in a wheel chair because of Plaintiff's injuries. As a result of the lack of any medical treatment while in the Zimbabwe prison Plaintiff's foot had become severally



infected and swollen. To receive appropriate medical care Plaintiff was immediately placed on a flight from Johannesburg, South Africa to Cape Town, South Africa and rushed by ambulance to the hospital. Plaintiff's daughter, Marisol Elizabeth, who was then an undergraduate at the University of Cape Town, had arranged with South African officials for Plaintiff to be admitted to the University of Cape Town Hospital. Plaintiff vividly remembers the first words from one of the doctors in the emergency room, "Sir, this infection could kill you." Plaintiff was then placed on the most potent antibiotics intravenously around the clock for 48 continuous hours. Plaintiff was remained under treatment and received medical care for approximately three months for the infection and injuries he received while in custody in Zimbabwe authorities. Additionally, as it was reported at the time, Plaintiff had to go into hiding, with his daughter, during recovery because members of a Zimbabwe government forces with the CIO commonly known as the "death squad" were hunting for Plaintiff.

55. As a result of the treatment Plaintiff was subjected to while in custody in Zimbabwe, Plaintiff suffered severe physiological and physical injuries. This horrific treatment of Plaintiff directly resulted in Plaintiff being diagnosed with and being treated for Post Traumatic Stress Disorder (PTSD). The injury to Plaintiff's right collarbone has caused chronic severe arthritic pain in Plaintiff's right upper torso and shoulder. Plaintiff is in constant pain from Plaintiff's ordeal. Although Plaintiff did not know it at the time, the kind of treatment that Plaintiff received while in Zimbabwe governmental custody was documented in the Country Reports on Human Rights Practices for 2014, by the United States Department of State, and United States Embassy in Zimbabwe. "From January through September 2014, [Plaintiff was in custody during the third week of February 2014]...although the constitution prohibits torture and

other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices with impunity and with the implicit support of officials affiliated with ZANU-PF. Human rights groups reported the continuance of physical and psychological torture perpetrated by security agents and ZANU-PF supporters... torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (a heavy whip); burning; falanga (beating the soles of the feet); use of electric shocks; solitary confinement; and sleep deprivation.”

56. After Plaintiff finished his rehab in South Africa and returned to America, Plaintiff was met at the airport by the two members of the Federal Bureau of Investigation and asked about the events that occurred regarding Plaintiff activities in Africa. At that brief meeting Plaintiff asked for protection, but Plaintiff never heard back from the FBI regarding that request.

57. In further substantiation of Plaintiff allegations alleged in this Complaint, Plaintiff has been able to obtain an Affidavit by, [REDACTED], with [REDACTED] the genesis of the conspiracy hatched by and between Mutsvangwa and Higginbottom. The operation to discredit and incarcerate Plaintiff was solely financed by Higginbottom as documented by banking, telephonic communications and email communications which resulted in the planning of the trumped up false charges against the Plaintiff; filing alleged visa violation; espionage charge; subsequent atrocities; arrest and torture of Plaintiff all under the color of law of Zimbabwe.

#### **PRAYER FOR RELIEF**

58. WHEREFORE, plaintiff, Mel Reynolds, asks judgment, pursuant to Section 2(a)(1) of the TVPA, on the verdict of a jury, in his favor and against each Defendant, individually, and jointly and severally, in the sum of \$35,000,000.00, as and for compensatory

and punitive damages, plus attorney's fees and costs.

*/s/ Ernest Thomas Rossiello*

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